

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 434-455-3900

To: Planning Commission
From: Planning Division
Date: June 23, 2004
Re: Zoning Ordinance Amendment, Care Center, Section 35.1-11.4(d), Care Center,
Section 35.1-54, Care Centers

I. PETITIONER

City of Lynchburg, P.O. Box 60, Lynchburg, VA 24504

Representative: Tom Martin, AICP, City Planner, Planning Division, P.O. Box 60,
Lynchburg, VA 24504

II. LOCATION

Not Applicable

Property Owners: Not Applicable

III. PURPOSE

The purpose of the Zoning Ordinance Amendments is to allow care centers providing day care only for twelve (12) or less persons in a residential setting as a use permitted by right as is consistent with Chapter 63.2-100 of the Code of Virginia.

IV. SUMMARY

- The Zoning Ordinance Amendments would increase the number of persons permitted by right in a residential care center providing day care only from six (6) to twelve (12) persons.
- The Zoning Ordinance Amendments are consistent with Chapter 63.2-100 of the Code of Virginia which requires day homes serving six (6) to twelve (12) children to be licensed.

The Planning Division recommends approval of the Zoning Ordinance Amendments.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends amending the Zoning Ordinance to allow conditional uses that often approved with little or no controversy to permitted uses. Since 1979 there have been forty-five (45) conditional use permit petitions relating to care centers. Of the forty-five (45), forty-one (41) of the petitions have been approved and four (4) have been withdrawn prior to City Council action. Amending the Zoning Ordinance to permit twelve (12) or less persons in a care center will not eliminate the requirement for a conditional use permit for all care centers but would eliminate administrative procedures at a local level for smaller facilities.
2. **Zoning.** The Section 35.1-11.4(d) Care Center and Section 35.1-54 Care Centers were last revised on July 9, 1991. The revisions limited care centers to “day care” only.

3. **Board of Zoning Appeals (BZA).** Not Applicable.
 4. **Surrounding Area.** Not Applicable.
 5. **Site Description.** Not Applicable.
 6. **Proposed Use of Property.** Not Applicable.
 7. **Traffic and Parking.** One impact related to increasing the number of persons allowed by right in a day care center to twelve (12) is traffic. Currently a day care facility allowed by right would have the potential for six (6) am and six (6) pm trips per day. Amending the Zoning Ordinance would create the potential for twelve (12) am and twelve (12) pm trips per day for a facility permitted by right. The City Traffic Engineer had no comments of concern with the proposed Zoning Ordinance amendments.
 8. **Storm Water Management.** Not Applicable.
 9. **Impact.** Amending the Zoning Ordinance to allow up to twelve (12) persons in a care center by right should not create any negative impacts. Care centers serving over six (6) are required to be licensed by the State of Virginia.
 10. **Technical Review Committee.** Not Applicable
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VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends to the City Council approval of amending Section 35.1-11.4(d) Care Center and Section 35.1-54 Care Centers of the Zoning Ordinance to allow twelve (12) or less persons in a care center as a use permitted by right as is consistent with Chapter 63.2-100 of the Code of Virginia.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, AICP, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer

Mr. Robert Drane, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official

VII. ATTACHMENTS

- 1. Zoning Ordinance Amendments**
(see attached Ordinance)